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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TIMOTHY ANTHONY,

Defendant.

Case No.: 2:20-CR-00092-RFB-BNW

**UNOPPOSED MOTION FOR
PREPARATION OF PRE-PLEA
INVESTIGATION REPORT¹**

Memorandum of Points and Authorities

Mr. Anthony, by and through his attorney, Todd M Leventhal, Esq. and hereby move this Court for an order directing the United States Probation Office to prepare a Pre-Plea Investigation Report to determine Mr. Anthony's applicable criminal history².

Mr. Anthony was charged by way of a indictment on May 19, 2020. At his arraignment and plea, he pled not guilty to all counts, Count 1-2: 26:5861(d).

¹ This motion is timely filed. No deadlines are applicable.

² Defense counsel met and conferred with the government as to this filing. The government does not oppose this filing.

1 26:5841, 26:5871 - Possession of a Firearm not Registered in the National Firearms
2 Registration and Transfer Act; Count 3: 18:922(g)(1) and 924(a)(2) - Felon in
3 Possession of Ammunition; Count 4: 18:931 and 921(a)(35) - Violent Felon in
4 Possession of Body Armor; Count 5: 18:922(g)(1) and 924(a)(2) - Felon in
5 Possession of a Firearm; Count 6: 18:922(g)(1) and 924(a)(2) - Felon in Possession
6 of Ammunition.
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9 The parties are in the process of attempting to negotiate this case. The
10 parties believe they will be able to resolve this case short of trial. Based on the
11 parties review of Mr. Anthony's criminal history, there is concern that Mr.
12 Anthony's projected guideline range will be considered higher than anticipated.
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14 Mr. Anthony does have known criminal history.

15 To satisfy Mr. Anthony's concerns and to assure that he has the
16 information he needs to make a truly knowing and intelligent decision, as to
17 whether to accept or reject the government's potential plea offer, he has
18 requested that a Pre-Plea Presentence Investigation Report be completed to
19 determine if his prior convictions will trigger a higher designation under the
20 United States Sentencing Guidelines §§ 4B1.1 and 4B1.2.
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1 This request is also made in an effort to promote judicial economy.

2 DATED September 14, 2021.

3 Leventhal and Associates

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6 By: /s/ Todd M Leventhal

7 Todd M Leventhal, Esq.

8 Attorney for Timothy Anthony

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12 ORDER

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14 IT IS HEREBY ORDERED that the United States Probation Office shall prepare a
15 Pre-Plea Presentence Investigation Report with respect to Defendant Timothy Anthony's
16 criminal history points and corresponding criminal history.

17 DATED: September 15, , 2021.

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20 RICHARD F. BOULWARE, II
21 United States District Judge
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